

Introduction

The North Devon District Council (NDDC) Planning Unit has specific powers to protect trees by making Tree Preservation Orders (TPOs), although the Forestry Commission is responsible for the control of felling if there are many trees to be felled.

Special provisions also apply to trees within conservation areas.

This leaflet will provide you with information on several of the more frequently asked questions but should only be treated as a guide. If you require more detail, or have questions that are not answered here, please contact the Planning Unit or refer to the other sources of information listed in the 'contacts' section later.

What is a Tree Preservation Order?

It is an Order, under Section 198 of the Town & Country Planning Act 1990, made by the Local Planning Authority which makes it an offence, in general terms, to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree or its roots without the Authority's permission.

Why have an Order?

To protect trees which contribute significantly to the visual amenity of their local surroundings. They are often made to protect trees that are known to be under threat, for instance through new building developments.

What type of trees can be covered by an Order?

All types, including hedgerow trees, but not hedges, bushes or shrubs. The Order can cover anything from a single tree to woodlands.

How can I find out if a tree is covered by an Order?

The NDDC Planning Unit holds details of all current Orders and these are available for inspection.

An official search of the local land charges register can be made before you purchase a property, and this should reveal if there are any TPOs listed at the property. This search will also indicate if the property is in a conservation area.

If I see work being carried out on a protected tree, how can I find out if the owner has permission?

Contact the Planning Unit. We will have details of any authorised work.

There are trees that I think should be protected. What can I do?

Contact the Planning Unit. We have a form that can be completed giving us full details of the location of the tree or trees and your reasons for your request. We will investigate the circumstances and take the appropriate action.

How long does it take to get a TPO?

The procedure for issuing an Order is often, unfortunately, quite a long process. There is a requirement to assess the amenity status of the tree. We also liaise with other Council Units and other Agencies, and we would also normally consult with the Town / Parish Council, Ward Members, and of course, neighbours.

The evaluation process undertaken by Planning will consider all the following:

- Amenity value – its significance as a feature of local importance;

- Size of tree – In relation to its setting and effect on the amenity and surroundings;
- Useful life expectancy – Including safety factors, growing conditions, development, etc;
- Importance in landscape – The relationship of the species in its setting;
- Presence of other trees – The impact the tree has in relation to others;
- Form of tree – Is the tree mutilated, misshapen, diseased, etc;
- Special factors – Such as historical association, botanical interest, rarity, is it a focal point or part of a feature, its value to wildlife.

When will an Order come into force?

The TPO will come into force immediately from the date of its making for a period of six months. During this period the Council must decide whether or not to confirm the Order, after considering any objections, etc. Once the TPO has been confirmed it is valid indefinitely.

How do I object to having a TPO on my trees?

If you wish to object to a TPO that has been issued, please give us details in writing within 28 days of the Order being issued.

If you think that the tree is shown in the wrong place or there is some other concern over the Order, please contact the Planning Unit as soon as possible.

A Revocation Order.

A Revocation Order cancels a TPO. It is the Councils policy to update old TPOs where circumstances may have changed (for instance, where trees have been lost because of disease

or storm damage, or where Orders from many years ago are now inappropriate for the current position or size of tree).

If you wish to object to a Revocation Order, please contact us in writing within 28 days of the Order being issued.

What if I want to work on a tree I own which has a TPO?

The Law requires that the Council must give written consent before any work to a protected tree is undertaken.

If you are unsure whether the tree is protected and what work may or may not be done, please contact the Planning Unit.

Application forms requesting consent to undertake work on a tree covered by a TPO, or one located in a conservation area, are available from the Planning Unit or on the Council's web site.

What if a tree is dead, dying or dangerous?

If the Council considers the tree to be dangerous, it will recommend an appropriate course of action. Please do not hesitate to contact the Planning Unit if you have any concerns over the safety of trees.

What happens if I do not get permission to undertake work?

It is an offence to carry out work on trees protected by a TPO without first obtaining permission from the Local Authority. Prosecutions can and do take place through the Magistrates Court.

How to contact us.

The officer responsible for issuing TPOs, and for any other matter related to tree(s), landscaping and the countryside, can be contacted as follows:

Landscape and Countryside Officer
North Devon District Council
Planning Unit
Civic Centre
North Walk
Barnstaple
EX31 1EA

Our reception is on the 4th Floor of the Civic Centre and is open Monday to Friday, 9:00 a.m. to 5:00 p.m.

Telephone: 01271 388290.
Fax: 01271 388293

Email: planning@northdevon.gov.uk
Web site: www.northdevon.gov.uk

Other useful contacts.

The Department of Communities and Local Government:
www.communities.gov.uk

The Forestry Commission:
www.forestry.gov.uk

HM Stationery Office:
www.hmsso.gov.uk

Planning Unit

Tree Preservation Orders (TPO) - Guidance Leaflet



Photograph by John Peacham

